

House File 2755 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2503)
(SUCCESSOR TO HSB 617)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to confinement feeding operations by providing
2 for the receipt and processing of manure management plans and
3 requiring the submission of updated manure management plans on
4 a multiyear basis, providing for fees, and making penalties
5 applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 HF 2755
8 da/es/25

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1 1 Section 1. Section 459.312, subsections 3, 6, and 11, Code
2 2005, are amended to read as follows:

1 3 3. The owner of a confinement feeding operation who is
1 4 required to submit a manure management plan under this section
1 5 shall submit an updated manure management plan to the
1 6 department ~~on an annual basis once each four years~~. The
1 7 department shall provide for a date that each updated manure
1 8 management plan is required to be submitted to the department.
1 9 The department may provide for staggering the dates on which
1 10 updated manure management plans are due. To satisfy the
1 11 requirements of an updated manure management plan, an owner of
1 12 a confinement feeding operation may, in lieu of submitting a
1 13 complete plan, file a document stating that the manure
1 14 management plan has not changed, or state all of the changes
1 15 made since the original manure management plan or a previous
1 16 updated manure management plan was submitted and approved.

1 17 6. The department shall not approve an original manure
1 18 management plan unless the plan is accompanied by a manure
1 19 management plan filing fee required pursuant to section
1 20 459.400. The department shall not approve an updated manure
1 21 management plan unless the updated manure management plan is
1 22 accompanied by an ~~annual compliance~~ updated manure management
1 23 ~~plan filing~~ fee required pursuant to section 459.400.

1 24 ~~However, a person may elect to submit the updated manure~~
1 25 ~~management plan filing fee each year on a prorated basis, and~~
1 26 ~~the department shall provide for the four-year approval of the~~
1 27 ~~updated manure management plan submitted by a person who makes~~
1 28 ~~that election. If the department staggers the date for the~~
1 29 ~~submission of a manure management plan, it shall prorate the~~
1 30 ~~amount of the updated manure management plan filing fee.~~

1 31 11. A confinement feeding operation classified as a
1 32 habitual violator as provided in section 459.604 shall submit
1 33 a manure management plan to the department on an annual basis,
1 34 which must be approved by the department for the following
1 35 year of operation. The manure management plan shall be a
2 1 replacement original manure management plan rather than a
2 2 manure management plan update. However, the habitual violator
2 3 required to submit a replacement original manure management
2 4 plan must submit an ~~annual compliance~~ updated manure
2 5 ~~management plan filing~~ fee in the same manner as if the
2 6 habitual violator were submitting an updated manure management
2 7 plan.

2 8 Sec. 2. Section 459.312, Code 2005, is amended by adding
2 9 the following new subsection:

2 10 NEW SUBSECTION. 4A. The department shall provide for the
2 11 receipt and processing of manure management plans, including
2 12 updates to manure management plans, in an electronic format
2 13 pursuant to section 459.302, not later than July 1, 2008.
2 14 After that time, a person required to submit a manure

2 15 management plan under this section may submit the manure
2 16 management plan to the department and to the county board of
2 17 supervisors in an electronic format.
2 18 Sec. 3. Section 459.400, subsection 1, paragraph c, Code
2 19 2005, is amended to read as follows:
2 20 c. An ~~annual compliance updated manure management plan~~
2 21 ~~filing fee that is required to accompany for~~ an updated manure
2 22 management plan submitted to the department for approval as
2 23 provided in section 459.312. The amount of the ~~annual~~
2 24 ~~compliance updated manure management plan filing fee~~ shall not
2 25 exceed a rate of ~~fifteen cents established by the department~~
2 26 ~~and assessed on a per animal unit based on the animal unit~~
2 27 ~~capacity of the confinement feeding operation covered by the~~
2 28 ~~manure management plan. For a person not electing to submit~~
2 29 ~~an updated manure management plan filing fee each year on a~~
2 30 ~~prorated basis, or a habitual violator required to submit a~~
2 31 ~~replacement original manure management plan, the designated~~
2 32 ~~rate shall not exceed sixty cents. For a person making the~~
2 33 ~~election or a habitual violator, the designated rate shall not~~
2 34 ~~exceed fifteen cents. If the person submitting the manure~~
2 35 ~~management plan is a contract producer, as provided in chapter~~
3 1 202, the active contractor shall be assessed the ~~annual~~
3 2 ~~compliance updated manure management plan filing fee.~~
3 3 Sec. 4. Section 459.400, subsection 2, paragraph b, Code
3 4 2005, is amended to read as follows:
3 5 b. Moneys collected from the ~~annual compliance updated~~
3 6 ~~manure management plan filing fee~~ shall be deposited into the
3 7 compliance fund's assessment account. Moneys collected from
3 8 commercial manure service license fees and educational program
3 9 fees shall be deposited into the compliance fund's educational
3 10 program account.
3 11 Sec. 5. Section 459.400, subsection 3, paragraph a, Code
3 12 2005, is amended to read as follows:
3 13 a. If on June 30, the balance of unencumbered and
3 14 unobligated moneys in the assessment account is one million
3 15 dollars or more, the department shall adjust the rate of the
3 16 ~~annual compliance updated manure management plan filing fee~~
3 17 for the following fiscal year. The adjusted rate for the
3 18 ~~annual compliance updated manure management plan filing fee~~
3 19 shall be based on the department's estimate of the amount
3 20 required to ensure that at the end of the following fiscal
3 21 year the balance of unencumbered and unobligated moneys in the
3 22 assessment account is not one million dollars or more.
3 23 Sec. 6. Section 459.401, subsection 2, paragraph b, Code
3 24 Supplement 2005, is amended to read as follows:
3 25 b. The assessment account is composed of moneys collected
3 26 from the ~~annual compliance updated manure management plan~~
3 27 ~~filing fee~~ required pursuant to section 459.400.
3 28 HF 2755
3 29 da:nh/es/25